

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
MERRICK BANK CORPORATION, : **ORDER DENYING MOTION**  
: **TO DISMISS**  
Plaintiff, :  
: 15 Civ. 5120 (AKH)  
-against- :  
: ROYAL GROUP SERVICES, LTD, LLC, a :  
Michigan limited liability company, and :  
GREGORY RICHMOND, :  
: Defendants. :  
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Having already refashioned the Second Amended Complaint in ruling on Defendants' motion for summary judgment, and having determined that there are genuine issues of fact regarding the remaining claims, I am not inclined to rule again on the sufficiency of the pleadings. Defendants' motion is denied without prejudice to raising these issues at trial.

The oral argument scheduled for April 6, 2020 is canceled. The Clerk is directed to close the open motion (ECF No. 115). The parties shall appear for a status conference on May 15, 2020 at 10:00 a.m. to regulate further proceedings and set a date for trial.

SO ORDERED.

Dated: New York, New York  
March 26, 2020

/s/ Alvin K. Hellerstein  
ALVIN K. HELLERSTEIN  
United States District Judge